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HOUSE MEMORIAL 57

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Antonio "Moe" Maestas

A MEMORIAL

REQUESTING LAW ENFORCEMENT AGENCIES TO MAKE VIOLENT CRIMES A
PRIORITY AND TO FILE CRIMINAL COMPLAINTS FOR MISDEMEANOR
VIOLENT CRIMES AGAINST NON-HOUSEHOLD MEMBERS WHEN THERE ARE
CREDIBLE ALLEGATIONS THAT A CRIME HAS BEEN COMMITTED.

WHEREAS, violent crimes are a priority and should be given
precedence over nonviolent crimes; and

WHEREAS, some law enforcement officers generally believe
they can do nothing with respect to a misdemeanor violent crime
against a non-household member unless they witness the crime;
and

WHEREAS, some law enforcement officers inform members of
the public that there is nothing they can do with respect to
those non-household member misdemeanor crimes that they did not
witness; and

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1 WHEREAS, in 2008, the law was changed, and civilians no
2 longer could file misdemeanor criminal complaints for wrongs
3 committed against them; and

4 WHEREAS, victims lose faith in a criminal justice system
5 that does not respond to violent crimes and may feel compelled
6 to seek retribution in other ways; and

7 WHEREAS, although a law enforcement officer cannot make an
8 arrest for some misdemeanor violent crimes against a non-
9 household member unless the officer has witnessed the crime, a
10 law enforcement official can file a criminal complaint against
11 the alleged perpetrator based upon credible allegations from a
12 witness to the crime and a statement of probable cause; and

13 WHEREAS, in order to maintain the peace and assist victims
14 of violence, law enforcement officials should be knowledgeable
15 about the changes in law and the paths of redress available and
16 should inform victims of their options; and

17 WHEREAS, law enforcement agencies should prioritize
18 violent crimes and encourage law enforcement officers as a
19 matter of public policy to file criminal complaints when there
20 are credible allegations of violence;

21 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
22 REPRESENTATIVES OF THE STATE OF NEW MEXICO that law enforcement
23 agencies across the state be requested to prioritize violent
24 crimes and to require law enforcement officers to file criminal
25 complaints for misdemeanor violent offenses against non-

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1 household members when there are credible allegations of the
2 crime; and

3 BE IT FURTHER RESOLVED that law enforcement agencies
4 across the state continue to provide training to officers as
5 needed regarding the options available for addressing
6 misdemeanor violent crimes; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the executive director of the New Mexico law
9 enforcement academy and to state and local law enforcement
10 agencies throughout the state.